

Summary of Proposed Food Law Changes

- **2009 Food Code-** Adoption of 2009 FDA Food Code. Major changes from the currently adopted 2005 Food Code include:
 - Employees must be trained in food allergy awareness.
 - Children can't order undercooked burgers from the children's menu.
 - Cut tomatoes and cut leafy greens are considered potentially hazardous and must be temperature controlled for safety.
 - Standards for how to safely par-cook foods.
 - Violations have been scientifically ranked in one of three categories based on their risk for causing foodborne illness.
- **Egg Safety-** The state's 1963 egg law is repealed and new egg safety regulations included in the food law. This includes adopting federal grading and classification standards, federal egg safety rules, setting basic state standards for licensed producer's that are exempt from federal rules and providing an exemption for small egg producers to sell directly to consumers, providing a warning label is placed on the carton.
- **Shellfish Safety-** The MDARD recently developed shellfish dealers certification program has been included. This program supports the state's shellfish packers, certifying that they meet federal standards and allowing their product to be shipped and sold interstate. Elements include adoption of portions of the 2007 federal "Guide for the Control of Molluscan Shellfish", establishment of a shellfish dealer's certificate, evaluation program and an annual fee of \$150.
- **Economic Development and Licensing**
 - Clarifies the difference between a non-licensed farm operation and a licensed processing establishment.
 - Provides a license exemption for currently licensed retail food establishments to sell off-site at a farmers market, fair or festival without additional licensure.
 - Provides for the ability to limit the number of temporary licenses issued annually to a single entity, following uniformly applied department guidance, and require the establishment to obtain a more permanent type of license.
- **Other**
 - Requires mobile and special transitory food units to have a certified manager.
 - Adopts a number of chapters from the "Code of Federal Regulations" relating to food processing establishments. This assures that state evaluators have the same authority and can cite the same laws as FDA when inspecting a processing establishment. This is critical for Michigan to retain it's ability to do federal contract work for FDA and help build a national integrated food safety system.
 - Clarifies MDARD's role in providing consultation, evaluation and training to delegated local health food service programs.
 - Authorizes MDARD to enter into agreements to provide and accept out of state assistance during emergencies.
 - References existing USDA Supplemental Nutrition Assistance Program (SNAP) retail store eligibility requirements and codifies noncompliance with those federal requirements as a violation of the food law.